

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION NO. 28549 OF 2015

ORDER:

The petitioner was appointed as Fair Price Shop Dealer for Shop No. 17 of Rangampet Village, Kulcharam Mandal, Medak District. While so, on the basis of the report of the Tahsildar, Kulcharam Mandal dated 20.7.2015, the licence of the petitioner was suspended on 18.8.2015 and on the same day a show cause notice was issued with regard to the irregularities. Challenging the same, the present Writ Petition is filed.

Learned counsel appearing for the petitioner submits that the second respondent ought not to have suspended the authorisation on the same day. He further submits that the order of suspension does not indicate that it is pending enquiry but it states that the order of suspension was issued pending finalisation of 6A proceedings before the Joint Collector.

The proceedings issued by the second respondent are not vitiated on the grounds raised by the learned counsel for the petitioner. The authorisation of the Fair Price Shop Dealer can be suspended pending enquiry but such enquiry shall be directed only for violation of APSPDS (Control) Orders 2008 but cannot be till the finalisation of 6A proceedings pending before the Joint Collector. Though the show cause notice states that it

was issued pending action for suspension of authorisation, it must be construed that the said show cause notice was issued pursuant to the irregularities noticed by the second respondent based on the report of the Tahsildar. The second respondent should have known that proceedings before him under APSPDS (Control) Orders 2008 are different from the proceedings under Section 6-A of the Essential Commodities Act.

This Court carefully perused the charges levelled against the petitioner and in view of the nature of the charges, this Court is not inclined to interfere with the enquiry process at this stage. However, the second respondent is directed to give sufficient opportunity to the petitioner and conduct an enquiry in accordance with law and complete the same, within 60 days from the date of receipt of a copy of this order. It is open to the petitioner to submit his explanation as required under the show cause notice dated 18.8.2015.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

A. RAMALINGESWARA

RAO, J

DATE: 04.09.2015

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